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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/247,219	02/10/1999	PEGGY M. TOMASULA	862.004US1	7387

25712 7590 06/17/2002

USDA-ARS-OFFICE OF TECHNOLOGY TRANSFER  
NATIONAL CTR FOR AGRICULTURAL UTILIZATION RESEARCH  
1815 N. UNIVERSITY STREET  
PEORIA, IL 61604

EXAMINER

CORBIN, ARTHUR L

ART UNIT	PAPER NUMBER
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1761

22

DATE MAILED: 06/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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Below is a communication from the EXAMINER in charge of this application  
COMMISSIONER OF PATENTS AND TRADEMARKS

### ADVISORY ACTION

☒ THE PERIOD FOR REPLY:

- a) ☒ will expire 3 months from the date of the final Office action (including extensions of time granted).
- b) ☐ expires either (1) three months from the mail date of the final Office action, or (2) on the mail date of this Advisory Action, whichever is later. In no event, however, will the statutory period for reply expire later than six months from the mail date of the final Office action.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above.

- ☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☒ Applicant's reply to the final rejection, filed 6-4-02 has been considered with the following effect, but it is not deemed to place the application in condition for allowance.
1. ☒ The proposed amendment to the claim and/or specifications will not be entered and the final rejection stands because:
- a. ☒ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: A new issue is raised by reciting "having a curl-like appearance" (claim 15, e). This limitation also raises a new 35 USC 112 issue since it is not clear what is intended by the relative term "curl-like".

2. ☐ Newly proposed or amended claim \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claim allowed: None

Claims objected to: None

Claims rejected: 2, 4-6, 9, 11-13, 15-19

However;

- ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because \_\_\_\_\_
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.
- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.
- ☐ Other \_\_\_\_\_

Applicant may obtain further examination by filing a request for an application under 37 CFR 1.53(d) (CPA).

ARTHUR L. CORBIN  
PRIMARY EXAMINER

6-13-02